

**GALLUP POLICE DEPARTMENT
GALLUP, NEW MEXICO**

To: Ofc Elijah Bowman

January 3, 2020

From: Franklin Boyd
Chief of Police

RE: NOTICE OF INTENT TO SUSPEND WITHOUT PAY

Pursuant to Section 224.00 to 224.04 of the Gallup Police Standard Operating Procedures Manual, Article VII of the collective bargaining agreement between the City of Gallup and the International Union United Mine Workers of America, , and / or the GPOA collective bargaining agreement section 33 – 34, you are hereby provided with notice of my intent to suspend you without pay for a period of 42 hours from the Gallup Police Department, City of Gallup as a result of the following:

On June 28, 2019, at approximately 1916 hours, you picked up and transported an intoxicated disorderly male subject, later identified as Rodney Lynch, to NCI. While in route to NCI, you had your ride-along make contact with PSO Justin Olvera via text message with your personal cell phone to request assistance with Mr. Lynch because the subject was disorderly and (displaying potential aggression) while in the rear of the PSO unit. When you arrived at NCI, PSO J. Olvera met you there and subsequently he made initial contact with Mr. Lynch after he opened the PSO rear panel door. After PSO J. Olvera asked Mr. Lynch to come out, his initial contact with Mr. Lynch got physical as he attempted to control him where you then also assisted. You both ended up on the ground outside of the facility with Mr. Lynch. The result of this altercation which was initiated by PSO Olvera initially at NCI, along with the physical state of Mr. Lynch, subsequently resulted in the unfortunate death of Mr. Lynch.

I have reviewed the Internal Affairs report, video footage of the incident from NCI, the Death Investigation Summary from the Office of the Medical Investigator, as well as the findings from the Response to Resistance Board in regard to the use of force utilized during this incident. I have also taken into consideration the input and case review recommendations from the Command Staff of this Department.

As a result of my final review of all the reports, findings, video and recommendation reviews, and in the best interest of the Gallup Police Department and the City of Gallup, it is my intent to suspend you without pay for a period of 42 hours with the City of Gallup Police Department.

In addition, you are hereby ordered to attend the next in-house (PSO Academy) defensive tactics and "response to resistance" courses of instruction. You will provide a copy of the attendance sheets to the office of internal affairs at the conclusion of this training.

Your above referenced conduct / actions as outlined in the attached investigative reports and findings are in violation of Gallup Police Department Standard Operating Procedures as follows:

DUTIES AND RESPONSIBILITIES

115.01 PUBLIC SERVICE OFFICER RESPONSIBILITIES

Exhibit "P"

A. PUBLIC SERVICE OFFICERS (PSOs) shall promptly obey and support all directives and policies established by the Chief of Police.

C. If upon arrival, a PSO determines that a sworn officer is necessary due to disputes or evidence of a crime, they will advise Metro Dispatch. Metro will dispatch a sworn officer to respond. PSOs are not to use physical means to prevent a person from leaving.

115.05 CALLS NOT AUTHORIZED FOR PSOs TO RESPOND

D. PSOs will not handle a drunk and disorderly call alone. A sworn officer will respond with the PSO and if probable cause exists and the officer witnessed the offense of disorderly conduct, effect an arrest.

115.09 USE OF FORCE

A. PSOs shall use only that force which is reasonable and necessary to overcome resistance, to protect oneself or another, and to effect lawful objectives.

B. PSOs are permitted to use those defensive tactics and non-deadly tools with which they are trained, qualified, and certified with, as determined by training procedures, for the resolution of incidents when force becomes necessary.

C. Every PSO is expected to consider the use of Department approved options, ranging from verbal techniques, hand control procedures, and non-lethal equipment. The following non-deadly force tools are authorized to be issued:

1. Expandable Baton
2. Chemical Agents
3. Handcuffs

IN-CAR VIDEO

230.03 PROCEDURES

D. The following incidents, at a minimum, shall be recorded by Officers and PSOs:

1. Encounters with and/or transportation of intoxicated individual(s)

Your conduct and actions were in violation of the Gallup Police Department Standard Operating Procedures, approved training guidelines and expectations.

You are hereby notified of your right to a pre-determination hearing. A pre-determination hearing has been scheduled for January 9, 2020, at 1500 hours, in the Chief's Office at the Gallup Police Department. This meeting is to afford you the opportunity to present your reasons why the proposed action should not be taken. After this meeting, should you choose to appear or not to appear, a "Final Notice of Action" memo will be issued and delivered to you outlining the final decision as directed by me. You also have the right to grieve this final decision.

* The employee has no obligation to attend this pre-determination hearing.

XZCER / Capt. GVO
Issuing Supervisor Print / ID#

[Signature] 01/03/2020
Issuing Supervisor Signature

(FOR CHIEF E. SOYD, UNAVAILABLE)

This letter / notice was served to PSO Elijah Bowman on January 3, 2020 at 1315 hours by

Y. [Signature]

[Signature] 55554
Serving Officer Signature / ID#

Attachments: IA case 19-10 summary report
Death Investigation Summary; Office of the Medical Investigator
Response to Resistance Board findings
Supervisor Case Review Recommendations

CC: Internal Affairs

Rev. 060419